

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JASON MILLER #824688,

Plaintiff,

Case No. 2:23-cv-144

v.

HONORABLE PAUL L. MALONEY

UNKNOWN GREGG, et al.,

Defendants.

/

ORDER ADOPTING REPORT AND RECOMMENDATION

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Defendants Gregg, Compton, and Tuzinowski filed a motion to dismiss due to Plaintiff's failure to participate at his properly noticed deposition and for refusing to otherwise prosecute this case or, in the alternative, to extend discovery deadlines. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on January 30, 2025, recommending that this Court grant the motion to dismiss the case and impose costs against the Plaintiff. The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Therefore,

IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 35) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the Motion to Dismiss (ECF No. 30) is GRANTED.

IT IS FURTHER ORDERED that costs of \$246.16 are imposed against Plaintiff Miller, payable to Defendants, to recover the costs incurred to take Plaintiff's deposition.

IT IS FURTHER ORDERED that Defendants' motion to extend discovery deadlines is DENIED AS MOOT.

IT IS FURTHER ORDERED that Plaintiff's motion for summary judgment (ECF No. 28) is DISMISSED AS MOOT.

IT IS FURTHER ORDERED that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this decision would not be taken in good faith. See *McGore v. Wrigglesworth*, 114 F.3d 601, 610-11 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211-12 (2007).

A Judgment will be entered consistent with this Order.

Dated: March 5, 2025

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge